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**EXHIBIT 10**

1  
2 United States District Court  
3 Eastern District of Pennsylvania  
4 Civil Action No. 02-3830

5 Boarhead Farm Agreement Group  
6 plaintiff

7 V.

Oral Deposition of:  
Robert Landmesser  
Volume II

8 Advanced Environmental  
9 Technology Corporation,  
et als.,  
defendants

10  
11 \* \* \* \* \*

Monday, December 6, 2004

12 \* \* \* \* \*

13 Transcript in the above matter taken  
14 at the law offices of Wolff & Samson, 1 Boland  
Drive, West Orange, New Jersey, commencing at  
1:00 p.m.

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22  
23 CERTIFIED SHORTHAND REPORTING SERVICES  
Arranged Through  
MASTROIANNI & FORMAROLI, INC.  
24 709 White Horse Pike  
Audubon, New Jersey 08106  
25 (856) 546-1100

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1 A. November, December. I don't recall.  
 2 Q. Did AETC have a relationship with Ashland  
 3 Chemical Company prior to your conversation with  
 4 Gordon Miles about Manfred DeRewal?  
 5 A. AETC, it may have. John Leuzarder was our  
 6 representative to Ashland in whatever period of  
 7 time. I don't recall.  
 8 Q. Are you referring to when Leuzarder was  
 9 working for Gaess?  
 10 A. You said our relationship. I said AETC.  
 11 Ashland was an account that Gaess had that John  
 12 Leuzarder was the sales rep from Gaess to  
 13 Ashland.  
 14 Q. Do you know if Leuzarder had a  
 15 relationship with Ashland prior to AETC having a  
 16 relationship with DeRewal?  
 17 A. As I said, John was the sales rep for  
 18 Gaess to Ashland. So that would be business  
 19 relationship.  
 20 Q. Did AETC have a relationship with Ashland  
 21 prior to having a relationship with DeRewal?  
 22 A. I don't recall.  
 23 Q. Can you describe your first contact with  
 24 Manfred DeRewal?  
 25 A. I don't recall specifics. I'd have to

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1 think about it.  
 2 Q. Do you recall if it was a telephone  
 3 conversation?  
 4 A. It probably was.  
 5 Q. Do you recall when?  
 6 A. Latter part of '76.  
 7 Q. Do you recall whether you called him or he  
 8 called you?  
 9 A. I really don't remember specifically how  
 10 this all took place.  
 11 Q. Do you recall the first conversation you  
 12 had, the subject of the conversation?  
 13 A. It's not clear in my mind. There was some  
 14 conversation and I don't know how it was  
 15 initiated by whom.  
 16 Q. Do you remember the purpose of the  
 17 conversation?  
 18 A. I really haven't thought about it. Give  
 19 me a few moments. It could be that Ciba gave me  
 20 the phone number. But it's highly probable but  
 21 I don't recall specifically.  
 22 Q. Do you recall if the first conversation  
 23 had to do with his handling of waste for  
 24 Ashland?  
 25 A. I don't believe that DeRewal was handling

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1 materials from Ashland until we were involved in  
 2 it. So I'm not sure --  
 3 Q. Until you were involved with what?  
 4 A. Involved in dealing with DeRewal Chemical,  
 5 if I understood your question correctly.  
 6 Q. I'm just trying to help you recollect the  
 7 content of the conversation.  
 8 A. At this point in time I don't remember.  
 9 Let me think about it.  
 10 Q. Do you know if Ciba-Geigy was using  
 11 DeRewal at the time they referred DeRewal to you  
 12 for disposing of their waste?  
 13 A. I believe that's my understanding.  
 14 Q. Do you recall the next maybe encounter you  
 15 had with Manfred DeRewal?  
 16 A. No.  
 17 Q. Do you recall any conversation you had  
 18 with Manfred DeRewal?  
 19 A. With specific details, no. I seem to  
 20 remember that John or myself, maybe John or  
 21 myself went to see his facility. Maybe that's  
 22 later. We talked to him face to face at the  
 23 Upper Black Eddie Farm.  
 24 Q. You and Mr. Leuzarder?  
 25 A. That's my recollection.

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1 Q. Do you recall anyone else being with you?  
 2 A. Fred DeRewal.  
 3 Q. Anyone else?  
 4 A. Not that I recall.  
 5 Q. Do you recall approximately when you had  
 6 this meeting at Boarhead Farm?  
 7 A. Sometime in latter '76.  
 8 Q. Do you recall the purpose of the meeting?  
 9 A. To see what he was all about.  
 10 Q. What transpired at that meeting?  
 11 A. We got a tour of his farm, saw what he was  
 12 doing to improve the facility. We talked about  
 13 the need that he was fulfilling with Ciba and  
 14 whether or not he would be interested in dealing  
 15 with Ashland's waste.  
 16 Q. Were you specifically talking about waste  
 17 acid?  
 18 A. This was the nitration acid, yes.  
 19 Q. When you say you discussed improvements to  
 20 the facility, what do you mean?  
 21 A. He was fixing up his bathroom.  
 22 Q. At the Boarhead Farms?  
 23 A. At Boarhead Farms.  
 24 Q. In his personal residence there?  
 25 A. Yes. That's where he lived.

3 (Pages 146 to 149)

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1 Q. So you discussed that.  
 2 A. We got a tour of the place. You know,  
 3 certain people get a kick out of seeing these  
 4 things or showing these things. I remember he  
 5 had a toilet that didn't make any noise when it  
 6 flushed. He was very proud of that. Things  
 7 that sticks out in people's minds.  
 8 Q. Do you recall seeing any trucks at the  
 9 Boarhead Farms when you visited?  
 10 A. No.  
 11 Q. What do you recall seeing at the Boarhead  
 12 Farms when you were there?  
 13 A. The house that he was living in was a one  
 14 floor ranch type, much longer than wide. Seemed  
 15 like a renovation of chicken coops in some areas  
 16 he put into living space. He had a picture of  
 17 some wildlife that I seem to remember.  
 18 Q. Did you see any waste being handled there?  
 19 A. No.  
 20 Q. Did you discuss anything else with him at  
 21 that meeting?  
 22 A. I'm sure if I took a tape recorder it  
 23 would be a lot more details, no. We talked  
 24 about what he was doing with Ciba. We talked  
 25 about if he could handle material and we would

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1 get back to him.  
 2 Q. When you say the material, what do you  
 3 mean?  
 4 A. The nitration acid from Ashland.  
 5 Q. Specifically you were talking about  
 6 Ashland's nitration acid?  
 7 A. That is correct.  
 8 Q. What was the result of that meeting, if  
 9 you recall?  
 10 A. I don't recall.  
 11 Q. Do you recall the next contact you had  
 12 with DeRewal?  
 13 A. Nothing specific, no.  
 14 Q. Do you recall visiting DeRewal's  
 15 Wissinoming facility?  
 16 A. I don't think I visited the Wissinoming  
 17 facility until sometime in mid '77.  
 18 Q. Do you remember the purpose of that visit?  
 19 A. To deal with the clean-up of the drums at  
 20 that site.  
 21 Q. At the Wissinoming site?  
 22 A. Yes, ma'am.  
 23 Q. Can you elaborate on that, what drums?  
 24 A. There were drums to be removed from the  
 25 Wissinoming site based on his arrest and the

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1 town, City of Philadelphia, required that he  
 2 clean up these drums and John and myself went  
 3 down to help identify and label and ship these  
 4 materials off.  
 5 Q. Do you know why -- first of all, why did  
 6 you go down there?  
 7 A. Fred DeRewal asked us to.  
 8 Q. Was this after the authorities shut down  
 9 DeRewal?  
 10 A. I can only assume that it was.  
 11 Q. Do you recall visiting the Wissinoming  
 12 facility with Art Curley?  
 13 A. No.  
 14 Q. When you were at the Wissinoming facility,  
 15 I guess you said to identify drums --  
 16 A. Yes.  
 17 Q. -- why was it that you, that Fred called  
 18 you to go down there to do that?  
 19 A. I don't know why he was motivated to do  
 20 that.  
 21 Q. And what did you do actually when you were  
 22 there?  
 23 A. We seemed to remember that we had drums  
 24 that were there --  
 25 Q. When you said we had drums, what do you

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1 mean?  
 2 A. Well, we were looking at drums. We were  
 3 looking at these drums. DeRewal told us where  
 4 these came from and we tried to identify them.  
 5 Q. So when you said we had drums do you mean  
 6 AETC?  
 7 A. No.  
 8 Q. Fred DeRewal had drums. I'm trying to  
 9 find out why he called you?  
 10 MR. SABINO: He already testified  
 11 Mr. DeRewal didn't know. He didn't know his  
 12 motivation.  
 13 A. I didn't know.  
 14 Q. Were you able to identify drums?  
 15 A. Some of them. This was something we did  
 16 on a consistent basis commercially. At other  
 17 facilities we've identified up to five thousand  
 18 drums.  
 19 Q. How did you identify them?  
 20 A. Physical, chemical analysis.  
 21 Q. So you were taking samples of the drums?  
 22 A. That would be a procedure that we would  
 23 follow, yes. Open them up, check them out for  
 24 solid, liquid and this was what I used to do at  
 25 Kin-Buc and SCA.

4 (Pages 150 to 153)

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1 Q. Were you identifying the generators of the  
2 materials in the drums as well?  
3 A. That specifically I don't recall. I think  
4 Fred is the one who did that. If we came across  
5 something it -- probably we would call the  
6 generator and say what did you ship. How can we  
7 identify it.  
8 Q. How would you identify the generator under  
9 those circumstances?  
10 A. It was my understanding, my recollection  
11 that Fred knew what the drums were and who they  
12 came from.  
13 Q. And to the best of your recollection this  
14 was in mid 1977?  
15 A. Sometime in '77.  
16 Q. Do you recall any other conversations or  
17 meetings you had with Fred DeRewal?  
18 A. I recall Fred got hurt at his place. We  
19 went over to see him. He had burn marks on  
20 him.  
21 Q. Do you know how he was hurt?  
22 A. I believe it was from the nitration acid.  
23 Q. Do you remember when this was?  
24 A. Sometime late '76, early '77.  
25 Q. Did he call you when he got hurt?

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1 A. I'm not sure how that took place. But  
2 there was communication back and forth  
3 scheduling materials.  
4 Q. Do you know why he got in contact with you  
5 when he was hurt?  
6 MR. SABINO: Objection to the form  
7 of the question. How is he supposed to know why  
8 Mr. DeRewal is doing something.  
9 A. Well, my answer is it would be pleasant  
10 conversation, oh, by the way, I broke my arm.  
11 We may have come over to help the sick. It  
12 would be normally customary for us to reach out  
13 and see if he was okay.  
14 Q. Do you know was he hurt through contact  
15 with nitrate acid from a customer of AETC's?  
16 A. I don't recall specifics.  
17 Q. Do you recall that he was burned by  
18 Ashland nitrate acid?  
19 MR. BIEDRZYCKI: Objection to the  
20 form.  
21 A. I'm not sure how he was burnt. But he  
22 said he had acid burns and he had pock marks or  
23 scabs, whatever you want to call it, on his  
24 face. That's what I recall.  
25 Q. Do you know anything about the generator

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1 of the acid that burned him?  
2 A. I don't recall specifics on it. It was  
3 either Ciba, Ashland or Diaz. He could have  
4 been handling other acids. I don't know.  
5 Q. Do you know if he was hurt at the Boarhead  
6 Farms site?  
7 A. I seem to recall it was down at  
8 Wissinoming.  
9 Q. Do you know of anyone else that was  
10 involved in the accident?  
11 A. I didn't say there was an accident. I  
12 said I recall him having a burn, an acid burn.  
13 Q. Do you know of anyone else that was  
14 involved or present when he was burned?  
15 A. Not at this point. It is a number of  
16 years.  
17 Q. Certainly. So you spoke of contacts with  
18 DeRewal at Wissinoming, Boarhead Farms in  
19 connection with his acid burn. Any other  
20 contacts with Manfred DeRewal that you recall?  
21 A. Yes. I recall now that Fred DeRewal,  
22 myself and my contacts at Diaz met in the winter  
23 of '76, '77 at a restaurant, I think it was at  
24 Neshaminy Station Mall and we talked about what  
25 Diaz Chemical could do with DeRewal to refine or

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1 sell this material into the marketplace.  
2 Q. What material?  
3 A. The nitrating acid that Diaz had.  
4 Q. Who was your contact at Diaz?  
5 A. I can't remember that.  
6 Q. Was it Don Hollwedel?  
7 A. That does not sound familiar.  
8 Q. What about Ted Jennings?  
9 A. Still not familiar. Who was the  
10 president? Maybe I shouldn't ask that  
11 question.  
12 Q. You met at a restaurant in Neshaminy?  
13 A. I believe it was the Neshaminy Mall in  
14 Philadelphia, Bucks County.  
15 Q. And what was discussed?  
16 A. Generally how we're doing, what can we do  
17 to more economically handle this material.  
18 Q. When you met at this restaurant had you  
19 been handling Diaz waste?  
20 A. I was the contact at Diaz, yes. For Diaz  
21 with AETC.  
22 Q. AETC had been handling Diaz waste prior to  
23 this meeting at the restaurant?  
24 A. Yes.  
25 Q. Anyone else present?

5 (Pages 154 to 157)



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1 A. I don't recall.  
 2 Q. When you say more economically handle the  
 3 waste what do you refer to specifically?  
 4 A. Was there something else that could be  
 5 done to refine the material. Since we were  
 6 dealing with a large quantity of it, was there  
 7 some chemical method of refining it, purifying  
 8 it, recovering it as opposed to neutralizing it  
 9 as it was being done in Wissanoming Industrial  
 10 Park.  
 11 Q. Whose idea was it to meet at this  
 12 restaurant?  
 13 A. I don't recall.  
 14 Q. What was the result of that meeting?  
 15 A. I don't think there was any particular  
 16 result other than a discussion. I don't recall  
 17 any specific outcome of it other than the  
 18 parties would think about what we could do.  
 19 Q. I'm going to put that on hold for a minute  
 20 and come back to it later.  
 21 A. Certainly.  
 22 Q. Other than the four contacts that you've  
 23 already talked about, any other contacts,  
 24 whether conversation or meeting in person with  
 25 DeRewal that you can recall?

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1 A. Not at this moment, no. There may have  
 2 been others.  
 3 Q. Certainly. Did you ever have any contact  
 4 with Manfred DeRewal's son, Freddy DeRewal?  
 5 A. Nothing that sticks out in my mind.  
 6 Q. Had you ever met him?  
 7 A. I don't recall after all these years. I  
 8 may have.  
 9 Q. How about Bruce DeRewal?  
 10 A. That name sounds more familiar but it may  
 11 be through some of the testimony I've read over  
 12 the years.  
 13 Q. Do you recall any contacts with Bruce  
 14 DeRewal?  
 15 A. No.  
 16 Q. How about Linda Cochran?  
 17 A. I have met her. She had been to our  
 18 office at 97 West Hanover Avenue to pick up  
 19 checks. So I have met her.  
 20 Q. Do you recall any conversations that you  
 21 had with her?  
 22 A. No.  
 23 Q. How about June Stevens?  
 24 A. I don't know who that is.  
 25 Q. How about Jeffrey Shack?

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1 A. I'm not sure who that is either.  
 2 Q. John Barson?  
 3 A. Not familiar with that name.  
 4 Q. Do you recall having contacts with any  
 5 other person associated with Manfred DeRewal?  
 6 A. Tom Healey with the Philadelphia Water  
 7 Department.  
 8 Q. How was he connected with Manfred DeRewal?  
 9 A. He was involved in the Philadelphia Water  
 10 Department. I'm sure I had some conversations  
 11 with Michaelman who was an attorney for the  
 12 city.  
 13 Q. You are not saying that these people are  
 14 affiliated with DeRewal but you spoke with them  
 15 in connection with DeRewal?  
 16 A. I believe that was the question that you  
 17 asked me. I'm trying to give you an answer.  
 18 Q. Okay. Appreciate it. Anyone else?  
 19 A. Walt Bressy who was our attorney for AETC  
 20 in our lawsuit in conjunction with Manfred  
 21 DeRewal.  
 22 Q. Anyone else affiliated with DeRewal?  
 23 A. No.  
 24 Q. At a certain point in time did AETC form a  
 25 business relationship with Manfred DeRewal?

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1 A. In year 2004 I have an understanding what  
 2 a business relationship is. I'm not sure what  
 3 we had in 1976. If you could define that then I  
 4 can see whether or not it fits into that.  
 5 Q. Did AETC have an agreement with DeRewal in  
 6 1976?  
 7 A. In review of the paperwork I have not  
 8 found it. We probably through all these  
 9 litigations supplied everything so my guess is  
 10 we did not have a contract with him.  
 11 Q. I did not say contract. I said agreement,  
 12 whether oral or written.  
 13 A. Okay. Now you are being specific in  
 14 2004. We asked him to handle the nitration acid  
 15 from Ashland and Diaz. We asked him to dispose  
 16 of that material at the place he showed us which  
 17 was in Philadelphia. He would charge us a fee.  
 18 In our consultation with Ashland and Diaz we set  
 19 up our fee structure. And he asked us to pay  
 20 him quickly.  
 21 Q. What was the Philadelphia facility that  
 22 you had agreement to dispose of Ashland and Diaz  
 23 nitrating acid?  
 24 MR. SABINO: Objection to the form  
 25 of the question. AETC didn't dispose of it.

6 (Pages 158 to 161)

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1 gal who worked in our office that would converse  
 2 - either they would initiate the call to us or  
 3 vice versa who would handle the scheduling. So  
 4 customer contacting our group, discussion with  
 5 DeRewal, scheduling. That wasn't really  
 6 something that I was really involved in.  
 7 Overview, yes, I was involved in it. But the  
 8 transaction in how it took place on a routine we  
 9 had someone in the office to do that.  
 10 Q. Do you know who that person was?  
 11 A. I was thinking about that. It's going  
 12 back to like who's your second grade teacher. I  
 13 don't specifically remember.  
 14 Q. Fine. Just to the extent you recall.  
 15 Other than Ashland and Diaz did DeRewal handle  
 16 any other AETC's customers' wastes?  
 17 A. Probably not, no. I don't recall any.  
 18 Q. Did AETC do any investigation of DeRewal  
 19 prior to having an agreement with them?  
 20 A. I'm sure I talked to Gordon Miles about  
 21 what he was doing, how he was doing it.  
 22 Selection process.  
 23 Q. Do you know how long DeRewal had been  
 24 handling Ciba's waste when you spoke with Gordon  
 25 Miles?

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1 A. A short period of time. That material was  
 2 being handled at the Kin-Buc Landfill, to the  
 3 best of my knowledge, at least until April or  
 4 May of 1976 or '77. '76, I think.  
 5 Q. It was your understanding that DeRewal was  
 6 taking the material to --  
 7 A. No. Ciba-Geigy was dealing with a company  
 8 called Kin-Buc Earth Line. That was my account.  
 9 Q. How did, if you know, how did DeRewal get  
 10 hooked up with Ciba?  
 11 A. I don't know.  
 12 Q. So you don't recall discussions with  
 13 Gordon about that?  
 14 A. I don't know how Ciba Cranston, Gordon  
 15 Miles came up with the name of DeRewal  
 16 Chemical.  
 17 Q. Other than perhaps speaking with Gordon  
 18 Miles did you do any other reference checks with  
 19 respect to Manfred DeRewal?  
 20 A. I'm not sure what you mean by reference  
 21 checks.  
 22 Q. Did you ask for references from him?  
 23 A. I got the best reference in the world,  
 24 Ciba-Geigy, my former client under the other  
 25 business. Probably got copies of his permit and

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1 certificate of insurance, things like that,  
 2 yes.  
 3 Q. Do you recall doing those things?  
 4 A. Specifically, no.  
 5 Q. Do you know if you did a criminal  
 6 background check of DeRewal?  
 7 A. Excuse me?  
 8 Q. A criminal background check?  
 9 A. Is that allowed?  
 10 Q. I'm just asking if you did it.  
 11 A. No. Criminal background checks probably  
 12 didn't become fashionable until at least in New  
 13 Jersey they passed, the DEP and Casino Control  
 14 Commission Act where you were investigated by  
 15 the State Police. Background checks at that  
 16 point in time were probably not available.  
 17 Based on the practices of the agencies, if  
 18 there was an ongoing investigation, as I  
 19 explained to you last time, you could call the  
 20 State DEP at 10 o'clock in the morning the day  
 21 in which DEP was going to close down the  
 22 chemical control facility at two o'clock and  
 23 they would not inform you of that potential or  
 24 future closing. They would just tell you  
 25 whether or not the company was licensed, what

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1 their permit was and whether or not they could  
 2 accept certain materials based on their permit.  
 3 So there was no active screening of  
 4 permitted facilities or transporters.  
 5 Unfortunately you had to wait until the state  
 6 did something before they would tell you. Which  
 7 was a flaw in the system obviously. And that in  
 8 the future from '76, '77 we took steps to do  
 9 more and more investigation.  
 10 Q. Do you recall speaking with any government  
 11 representatives about Manfred DeRewal before  
 12 entering into an agreement with him?  
 13 A. The man had licenses from the agencies and  
 14 at that period of time people relied upon the  
 15 agencies to make sure that the people who were  
 16 licensed were conducting themselves in a proper  
 17 fashion. Similar to what you would do in  
 18 checking with the bar to see whether or not  
 19 yourself or any other person was licensed by the  
 20 bar. Whether or not you have a criminal  
 21 investigation would probably not be disclosed.  
 22 Q. Do you remember any of the terms of the  
 23 agreement that you had, you meaning AETC had  
 24 with DeRewal in 1976? For example, terms of  
 25 payment, duration?

8 (Pages 166 to 169)

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1 A. As I said, I have not seen any specific  
2 documentation. Through the course of the years  
3 we developed an accumulation of procedures, et  
4 cetera, so I would be speculating.  
5 Q. Did your original agreement with DeRewal  
6 — when I say agreement I don't necessarily  
7 mean written, oral, anything, did your original  
8 agreement with DeRewal specify the types of ways  
9 that he would be handling or AETC's customers'  
10 wastes?  
11 A. I don't recall any specific details  
12 regarding it, the understanding of the parties.  
13 Q. Was DeRewal only going to handle nitrating  
14 acid waste?  
15 A. I believe that was really the only need or  
16 necessity that we had at that point in time was  
17 handling strong sulfuric nitric compounds.  
18 Q. Was the procedure for DeRewal's working  
19 for AETC specified as well, in other words, how  
20 would he know where to go on a given day?  
21 A. Ashland was a facility that had a physical  
22 address in Great Meadows, New Jersey. Either he  
23 knew about it or we gave him directions to it,  
24 and a plant contact. That was my guess. How he  
25 knew about it is we told him. He had the

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1 equipment necessary to transport the strong  
2 nitrate and sulfuric acid.  
3 Q. So can you describe the procedure, would  
4 Ashland call AETC and say we have a load to pick  
5 up and/or did something else occur?  
6 A. I don't remember the specifics of it. I  
7 think I tried to explain it before. They  
8 probably would initiate a call to AETC or maybe  
9 even call DeRewal direct. I don't recall.  
10 Q. Was that done every time they had a  
11 certain amount of waste to pick up or once a  
12 week, once a month, how did it go?  
13 MR. SABINO: Objection. If he  
14 doesn't remember specifically how is he going to  
15 remember generally?  
16 Q. If you do recall you can answer.  
17 A. Whatever it took to deal with their  
18 needs.  
19 Q. Do you recall what their needs were?  
20 A. No.  
21 Q. Did AETC negotiate with DeRewal about what  
22 his fee would be for disposing of the waste?  
23 A. I'm sure we did.  
24 Q. You have no specific recollection of  
25 having done so?

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1 A. I'm not even sure if I did it.  
2 Q. Who would have done it if you had not?  
3 A. If it was Ashland, probably John.  
4 Although it was either John or myself.  
5 Q. Was John Leuzarder the primary contact for  
6 your Ashland account?  
7 A. Yes.  
8 Q. Was that true of all time periods or just  
9 1976 and 1977?  
10 A. Historically AETC's relationship was  
11 expressed through John to Ashland.  
12 Q. Did you become more involved in the  
13 Ashland account as time went on?  
14 A. No.  
15 Q. Were you the primary contact for the Diaz  
16 account?  
17 A. Yes.  
18 Q. Was there any other agency employee  
19 involved in the Diaz relationship?  
20 A. I've thought about that. I can recall no  
21 one else other than myself and maybe the person  
22 who I can't remember right now who did the  
23 scheduling. But most of that was phone  
24 conversation.  
25 Q. When did DeRewal start handling the Diaz

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1 waste, if you recall?  
2 A. In 1976.  
3 Q. '76?  
4 A. I believe so.  
5 Q. Was DeRewal handling all waste that came  
6 from Diaz or just the nitrating acid?  
7 A. I don't know.  
8 Q. What about Ashland, was he handling all  
9 wastes from Ashland or just the nitrating acid?  
10 A. I don't know what Ashland generated and  
11 what they had DeRewal neutralize down in  
12 Wisconsin.  
13 Q. In AETC's agreement with DeRewal in 1976  
14 did AETC specify where DeRewal was to dispose of  
15 its customers' wastes?  
16 MR. SABINO: That's been answered.  
17 Objection.  
18 A. We had an understanding. And the only  
19 place that we ever contemplated was the  
20 Wisconsin industrial facility, because this  
21 was very tough stuff, very tough stuff and it  
22 needed to be neutralized. I had experience with  
23 that in my previous job.  
24 Q. You had experience with what?  
25 A. Nitration acid.

9 (Pages 170 to 173)



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1 Q. How is that?  
2 A. Because I ran the chemical platform and I  
3 also set up the neutralization facility at the  
4 Kin-Buc Landfill.  
5 Q. When was that?  
6 A. 1975, '76.  
7 Q. Did you discuss with DeRewal the steps he  
8 was going to take to handle the nitrating acid?  
9 A. If I didn't I'm sure Art Curley did and  
10 John.  
11 Q. Do you recall what steps he was going to  
12 take with respect to the nitrating acid?  
13 A. He was going to neutralize it.  
14 Q. Do you know how?  
15 A. Again, this is documentation that I've  
16 seen afterwards. But there was a lime slurry.  
17 Q. Can you elaborate?  
18 A. A lime is an inorganic basic material when  
19 put in contact with a strong acid the acid and  
20 the base essentially neutralize each other and  
21 produce byproducts at Ph that is 7. That 7 is  
22 considered neutral.  
23 Q. So DeRewal proposed to perform this  
24 procedure with respect to the nitrating acid he  
25 handled?

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1 A. That's my understanding.  
2 Q. It was your understanding this would occur  
3 in Wisconsin?  
4 A. That's where it was done, yes.  
5 Q. Did AETC ever hear that DeRewal was not  
6 disposing of its customers' wastes at  
7 Wisconsin?  
8 MR. SABINO: At any time?  
9 Q. Yes. In 1976 or '77.  
10 A. In our conversation with Diaz Fred DeRewal  
11 said that he would occasionally place a  
12 truckload of acid with fertilizer companies that  
13 used the sulfuric acid as a calcifier, sodium  
14 sulfate. And that he occasionally sold it into  
15 the marketplace. Diaz had an interest in  
16 learning who the fertilizer companies were so  
17 they could enjoy a cost reduction on it. Fred  
18 said it was something that he considered to be  
19 proprietary.  
20 Q. Did you ever get anymore information from  
21 him about that?  
22 A. Absolutely not.  
23 Q. Did AETC take any steps to insure that  
24 DeRewal was handling the wastes as he  
25 represented to you that he was?

Page 176

1 A. Yes.  
2 Q. What were those steps?  
3 A. Those steps were having the owner of the  
4 waste, Art Curley, go down and visit.  
5 Q. When you say the owner of the waste, which  
6 waste?  
7 A. The nitration acid that came from  
8 Ashland. Art Curley visited the site in late  
9 '96 to insure that what was being --  
10 Q. In 1996, did you say?  
11 A. '76. I misspoke.  
12 Q. What facility did he visit?  
13 A. I think it's in the evidence he visited  
14 the Wissanoming Industrial Park.  
15 Q. Were you present when he did that?  
16 A. You asked that question three times.  
17 Q. I'm sorry.  
18 A. The answer is still the same. No.  
19 Q. Did AETC, though, take steps to insure  
20 that DeRewal was handling the waste in the way  
21 it represented to AETC?  
22 A. Yes. We took Art Curley who was the plant  
23 owner and the owner of the waste to the  
24 Wissanoming Industrial Park to verify that  
25 materials were being shipped there and to see

Page 177

1 the process.  
2 Q. When that visit occurred do you know if  
3 Ashland waste was being processed at the  
4 Wisconsin facility on that day?  
5 A. I would assume so, but I don't know that  
6 as a fact.  
7 Q. Did AETC take any steps other than that to  
8 insure that DeRewal was properly handling the  
9 waste?  
10 A. We got an update of his permits if and  
11 when they became due which were licenses from  
12 the state to transport hazardous materials.  
13 Q. Did you ever follow DeRewal's trucks to  
14 see where he was taking the waste?  
15 A. Personally, I never did that. But then  
16 again this was very, very significantly  
17 concentrated acid. One goes to the right places  
18 with.  
19 Q. In 1976 and '77 how often would you say  
20 that someone from AETC was in contact with  
21 DeRewal?  
22 A. They were in contact with DeRewal as  
23 necessary to complete the understanding of our  
24 business relationship, as we were in contact  
25 with Ashland and Diaz to fulfill their needs.

10 (Pages 174 to 177)

<p style="text-align: right;">Page 182</p> <p>1 called them. But they had a need and we tried  2 to fulfill it by disposing of materials at  3 DeRewal's facility in Philly. There weren't a  4 lot of alternatives for these type of  5 materials. Art Curley could have told the  6 people at Ciba or at Diaz about what was  7 happening and they called us or we called them.  8 I don't know.  9 Q. When you refer to their materials are you  10 referring to their nitrating acid?  11 A. Yes, strong sulfuric nitrating acid.  12 Q. How was their acid waste different from  13 Ashland's acid waste?  14 MR. SABINO: Objection. You  15 haven't established it was.  16 Q. If it was.  17 A. From a chemical standpoint I'm not sure if  18 it was different.  19 Q. Was Ashland a customer of AETC's already  20 when AETC started handling Diaz nitrating acid  21 waste?  22 A. I think you asked that before. I don't  23 know whether or not Ashland initiated a business  24 relationship because of the sulfuric acid. You  25 know, it's just too many years to remember.</p>	<p style="text-align: right;">Page 184</p> <p>1 1977. We had 20 foot drifts of snow. I  2 remember it well.  3 Q. Do you recall what you did during that  4 visit?  5 A. Stayed warm. You wouldn't believe – off  6 the record.  7 (Off the record).  8 A. It was a very difficult time to go visit  9 the facility. There was mountains of snow. I  10 remember being in a hotel two days and I had a  11 gasoline car and fortunately I had cans of ether  12 to start it but it was a very difficult time up  13 there. It was an incredible amount of snow. It  14 was a chemical plant, tanks, et cetera.  15 Q. Were you going up there just to – what  16 were you going up there to do?  17 A. Just to pay a visit to a customer.  18 Q. Were they already a customer when you went  19 there?  20 A. That's my recollection, yes.  21 Q. Did you go inside their facility?  22 A. I don't recall specifically. Going inside  23 would be a very good idea considering the waste  24 conditions.  25 Q. Do you recall anything about how the</p>
<p style="text-align: right;">Page 183</p> <p>1 Q. What was your first contact with any  2 representative of Diaz?  3 A. As I described before, I believe either we  4 contacted them or they contacted us. They heard  5 about what we were doing for Ciba, nitration  6 acid, contacted Ashland. Somehow the parties  7 got together.  8 Q. You don't recall the name of the person at  9 Diaz that you were – that was the primary  10 contact with AETC?  11 A. Not at this point, no.  12 Q. Did you ever visit the Diaz facility?  13 A. Yes.  14 Q. What was the Diaz facility that was  15 generating the waste stream you were handling?  16 A. It was a chemical facility located in  17 Holly, New York.  18 Q. Was that the only Diaz facility for which  19 AETC handled Diaz waste?  20 A. That is my understanding.  21 Q. Did you say you visited this facility in  22 Holly, New York?  23 A. Yes.  24 Q. Do you recall when that was?  25 A. It was a cold snowy winter day in early</p>	<p style="text-align: right;">Page 185</p> <p>1 facility looked?  2 A. It looked white.  3 Q. How about the inside?  4 A. Nothing specific.  5 Q. Do you know what they manufactured there,  6 if they manufactured anything?  7 A. They were a chemical facility. I know  8 they were manufacturing a specific organic  9 chemical for Ciba and that's what the byproduct  10 of the weather I was handling.  11 Q. How long were you there visiting?  12 A. Two, two and-a-half days. Mostly in the  13 hotel room.  14 Q. So you made the one visit to the facility?  15 A. Yes.  16 Q. Did you ever go back up there to Holly,  17 New York?  18 A. No.  19 Q. So you only went to the Diaz facility  20 once?  21 A. Correct.  22 Q. Do you recall anyone that you spoke to at  23 that facility?  24 A. I don't recall the name.  25 Q. What was the result of your visit to the</p>

12 (Pages 182 to 185)

Page 202

1 A. I think I have a bloody nose.

2 (Off the record).

3 MS. MOONEY: We've stopped the  
4 deposition early. The witness, Mr. Landmesser,  
5 has taken ill and may have to be shipped away by  
6 the EMTs, so we're going to stop here and we'll  
7 talk about rescheduling later.

8 (Deposition adjourned)

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Page 203

1 **Certificate**

2 I, Alan L. Lesky, a Notary Public and  
3 Certified Shorthand Reporter of the State of New  
4 Jersey and a Commissioner of Deeds of the State  
5 of Pennsylvania, do hereby certify that prior to  
6 the commencement of the examination,

7 Robert W. Landmesser  
8 was duly sworn by me to testify to the truth,  
9 the whole truth and nothing but the truth.

10 I do further certify that the foregoing is  
11 a true and accurate transcript of the testimony  
12 as taken stenographically by and before me at  
13 the time, place and on the date hereinbefore set  
14 forth.

15 I do further certify that I am neither a  
16 relative nor employee nor attorney nor counsel  
17 of any of the parties to this action, and that I  
18 am neither a relative nor employee of such  
19 attorney or counsel and that I am not  
20 financially interested in this action.

21  
22

23 Alan L. Lesky, C.S.R.  
24 Notary Public, State of New Jersey  
25 My Commission expires November 1, 2008  
Certificate No. Xi730  
Date: December 8, 2004

17 (Pages 202 to 203)

EXHIBIT 11



4-26 Unlabeled

## MEMORANDUM

File

September 20, 1976

FROM: A. T. Curley

SUBJECT: Visit with Current Spent Acid Disposer

EXHIBIT

Curley-5  
12-9-84 Cor.

cc: C. A. Aldag

K. Schumacher

F. Cook

J. Sigan

C. E. Kwartler

W. R. Starkey

J. Minott

H. E. Sullivan

At my insistance, I was invited to meet Fred Dereval of Environmental Chemical Control, the firm which has been handling our spent acid for the past couple of months. I had originally asked to go to Philadelphia where the acid was supposedly disposed of, but as a result of a call I received from Gaess' Santoro relating to an incident "on a farm in Pennsylvania where a Dural (this turned out to be Dereval) and his son were burned, one critically, when a valve on an acid wagon alledgedly carrying Ashland acid broke off resulting in the burns and a spillage of acid", Leuzarder, when confronted by me with this rumored incident, explained that there was an incident, the burns were slight, the spill was contained and reported, the acid was not ours and no charges were made. When I told Leuzarder that Santoro hinted that the acid was being dumped on the farm, he said the trucks sometimes stopped at this location and went on into Philadelphia the next day. At this point Leuzarder felt we should meet Dereval at this location in Revere, Pa. and further discuss our relationship.

This morning Leuzarder and two of his three partners, Bob Landmesser, another ex-Gaess salesman, and Gene Conlin, associated with Jersey Sanitation, picked me up at the plant and we proceeded to Revere, which is about 15 to 20 miles south of Easton. Our destination was out in the wilderness. It consisted of an old stone home under restoration, a small building with a rather plush living room and kitchen type setting where we sat and talked, a barn, 6 or 8 appaloosa horses and an area being graded off (later found it was to be a lake). There were a few acid wagons parked about and one vertical storage tank visible. This location is apparently being prepared as a retreat for Dereval; Dereval actually lives in Bedminster, five miles away.

Dereval monopolized the conversation almost immediately. He is in his early fifties, makes a good appearance and is very well spoken. He obviously has a strong chemical background - his father worked in the chemical industry before him. He seemed very frank, not hesitating nor mincing his words. His expertise is in the utilization of waste chemicals, primarily in the metals recovery area. He recovers Copper, Nickel, Cobalt and heavy metals. He also converts ferrous chloride to ferric chloride and sells it to water companies as a flocculent. He said he peddles our acid for ore extraction and agricultural uses. He neutralizes our acid only as a last resort. He said our high nitric acid content (4 to 5%) is a drawback. Ciba-Geigy's acid, which they are still handling, has only 1% nitric. Landmesser says, as he has all along, this is CDN related acid - What are they doing to reduce nitric acid to 1%? A reminder, Ciba-Geigy does not know we are dealing with Dereval and Landmesser would like us to honor this confidential information. Dereval also handles acid for Drake Chemical.

6307

BSA1006529

File

September 20, 1976

Visit with Current Spent Acid Disposer

Page 2

When they do neutralize our acid, it is now done in Philadelphia, but they plan on setting up to do it at Revere. When done in Philadelphia, either lime-stone, caustic or ammonia are used depending on availability. Liquors are sewered. Insolubles are isolated and landfilled. No scrubbers are used. When I inquired about fumes, he said they were minimal when 5 to 1 dilution was employed, running the acid into water beneath the surface.

I asked whether the agricultural and ore people were aware of impurities when they used our acid. He said they didn't ask. I was hinting at the possible liability due to the toxicity of an impurity. Derewal's retort was that this was a sale of a material, not a disposal, and liability did not enter in.

Derewal stated that he would be interested in setting up a nitric acid distillation unit (for about \$50,000) if he could get a commitment from Ashland and others for their business. I get the impression that Derewal is a very innovative person, who can and will come up with solutions to problems. I do not feel he is the type to dump wastes in the first hole he can find. He is acquainted with Gamma. He had a couple ex-Gamma employees working for him at one time. He has bought Copper-8 from us. He also has imported it from Japan for re-sale. When I asked him how the D.E.R. (Department of Environmental Resources) would talk about him, he honestly stated they would down grade him. He has been fined on several occasions for pollution. He apparently was in the headlines a few years back for pollution. He said he was in no trouble now.

I would next like to visit his Philadelphia location and get an idea of how he conducts business there.

I would ask John Minott if we desired a liability waiver contract in this instance, would we enter into it with Derewal or Envirotech?

September 21, 1976

I called Leuzarder today and asked what percentage of our acid was being re-sold. After checking back with Derewal, he said most of the first loads were given away for evaluation to the ore extractors. Since the nitric acid is a drawback, most of the acid is now neutralized. With a one year contract with us, he would install the aforementioned distillation equipment. Then he could sell most of the acid. In this connection, we could possibly get a price reduction of \$100 - \$200 per load, especially after he had written off his capital the first year.

ATC:aa

EXHIBIT 12

## MEMORANDUM

J. Minott/W. R. Starkey

October 19, 1976

A. T. Curley *AC*Visit to Disposal Site  
for our CDN Spent Acidcc: C. A. Aldag  
K. Brown  
C. E. Kwartler  
J. Sigan  
H. E. Sullivan

Yesterday morning I accompanied John Leuzarder to Philadelphia to see the setup being utilized to neutralize our CDN spent acid. The site consists of a series of old buildings, most of which Mr. Derewal is using to warehouse materials. When we arrived there was an acid trailer being neutralized. The setup consisted of an open lime slurry tank and a large (about 10,000 gallons) unagitated vertical neutralizing tank. The solid lime was charged to the slurrying tank by means of a front end loader. The acid was being injected into a recirculating stream thru a garden hose and a small pump. There were no visible fumes. Derewal stated that it took about five hours to complete a tank wagon load (3,000 gallons) of acid. The slurry is then dropped into the city sewer system.

The location is certainly not an ongoing chemical operation. The work was performed by Derewal's two sons. Derewal said he uses liquid lime and waste caustic to do most of the neutralizing. I questioned him about the mode of billing by the City Sewage Authority and what controls they exercised over the operation. The City bills by the amount of water usage. They do have pH and explosimeter monitoring in the common lines in the "industrial park" trunk lines.

I asked Derewal where he did all his metal recovery work. He said this was done in Camden, N. J. In addition, he has a 20,000 gallon storage tank there where he can store acid, if need be.

He has located most of the equipment that he will need to distill off the nitric acid and will set that up in the Wissinoming location. He also said he has gotten rid of several of our loads of spent for ore extraction recently. The last 1,500 gallons of the load being neutralized today was to go to a local processor of copper for equipment cleanout.

In summary then, although the location was certainly not impressive, the setup appears adequate. (He was even readying an ejector type of scrubber for installation atop the neutralization vessel.). It would certainly be helpful to obtain (1) more information on the operation of the Philadelphia Sewage System and (2) the relationship of the Pennsylvania Department of Environmental Resources (DER) with the City. This is the agency which Derewal does not want to get involved with.

Shortly after we left Philadelphia on Interstate 95 I spotted a wagon of our acid (it is easily recognizable by means of its coloring - brown and black) on the way

EXHIBIT

Curley-6  
12-9-84 Cor

6350

BSA1006573



J. Minott/W. K. Starkey

October 19, 1976

Visit to Disposal Site . .  
for our CDN Spent Acid

Page 2

into town. It had left the plant about an hour and a half before that. .

I gave Leuzarder three signed copies of the contract our Law Department had drawn up for waiver of liability. His hesitation tells me that he will sit on these for awhile and we should not expect to receive the signed contract too soon, if at all.

ATC:aa

.....  
.....  
**EXHIBIT 13**

## MEMORANDUM

TO:	W. R. Starkey	HMD	DATE: April 20 1977	ORIGINAL (Red)
FROM:	A. T. Curley	SUBJECT:	CDN Spent Acid Disposal	
REMARKS:				

cc: C. A. Aldag  
 H. Dixon  
 J. Minott  
 J. W. Sigan  
 H. E. Sullivan

Things have been happening fast recently with the subject item so I would like to update you on the recent goings on.

As you know, Advanced Environmental Technology Co. (AETC) stopped hauling out our spent acid recently due to an equipment failure in Philadelphia. While I still haven't been able to get all the facts on the incident, but from my conversations with John Leuzarder and one (attached) newspaper article I get the impression that certainly one major incident occurred involving the spillage of some quantity of spent acid onto the ground. The scene was apparently visited by officials of the Pennsylvania Department of Environmental Resources, Philadelphia Board of Health, the Philadelphia Fire Department and the U. S. Coast Guard. Leuzarder and his partners held a meeting with DeRewal recently in an effort to decide whether to continue their relationship with him. They decided not to deal with him for the time being.

As I suspected, AETC really did not know that much about DeRewal and his methods, so at this point they are as much in the dark as we are. Meanwhile it is my understanding DeRewal is still taking acid from Diaz. I assume CIBA-GEIGY is also concerned about DeRewal. Meanwhile, a few days after the Philadelphia incident, Phil Van Leuven came to see me and claimed he could help us with our acid problem. (Van Leuven had approached me several months ago representing County Septic - saying he wanted to set up a waste disposal unit on some land he had in Lafayette, N. J. He said he was working with the N.J.-D.E.P. and wanted to handle our waste program through Modern Transportation until such time as he could set up the forementioned unit. I told him I was satisfied with my present hauler and that he was underestimating the time and effort involved in setting up a new waste disposal facility. I was also aware, through my dealings with Leuzarder, that Modern could not handle the mixed nitric - sulfuric acid at that time.) I checked with the N.J.-D.E.P. and verified that Modern was registered with the Solid Waste people and could handle acids.

I decided to try them. To date there have been no problems. Modern's price, through Van Leuven is \$0.45/gallon. I believe AETC's price is \$0.425/gallon. Van Leuven has stated that he will meet AETC's price.

AETC has now come back to me and said they are now sending our acid to Modern also. They are obviously disappointed in losing part of our business to Van Leuven especially since Modern hadn't alerted them to the fact they could now handle that type of acid. My intention now is to deal with both Van Leuven and AETC for the time being. On one hand I feel more comfortable with AETC because they are a known quantity even though I feel they did let me down badly. On the other hand

COPIES TO:

EXHIBIT

Curley-8  
7-9-04 Cor

BSAI033357

W. R. Starkey  
CDN Spent Acid Disposal

April 14, 1977  
 Page 2

ORIGINAL  
 (Red)

though Van Leuven is an "unknown", I do feel obligated to stick with him for awhile as he did get us out of a spot. Because he is "small" we are marking all B/L's "for disposal at Modern, So. Kearny, N. J." Of course all the equipment is Modern's. I do have a certificate of insurance (attached) but it is under the name of Modern and doesn't mention Van Leuven. (Mr. Dixon may wish to comment on this). I am planning on visiting Modern's facility sometime next week.

We obviously have all our eggs in the same basket again. However, I received a visit from John Bryan of American Recovery in Baltimore, MD. From what he told me they have an ideal facility for handling our acid. He is to get back to me later with details.

Our old friends from A.B.M. took out an acid sample recently and got back to me claiming they can now help us. I emphasized the legal angle with them and Tyson said he has bought out the Company from Barnhouse and things are now changed. They have yet to come in with pricing or other details. I suspect they may be dealing with American Recovery as Tyson mentioned Maryland in his conversation and either Tyson or Leuzarder have undoubtedly triggered American Recovery's visit here. My intention here would be to deal directly with American Recovery if and when. I am seeing R. Taylor of American Recovery next week in this regard.

Jerry Fallet of County Septic called today. (This is the outfit Van Leuven was with when he first approached me.) Mr. Fallet wishes to discuss his plans for setting up a treatment facility to handle, among other things, our acid. He says he would be ready to go in six months. He said he would be looking for a contract from us. I told him there was no chance of this in the near future but he will be in to discuss the situation with me further next week.

I was also visited today by J. Stroin of Earthline (formerly Scientific - Kin Buc). He is interested in regaining some of our waste business. They deal with Modern. They also have disposal facilities in Niagara Falls and Illinois. I don't see too much hope here, except possibly for some drum wastes.

So as usual there are many people fighting for our wastes but not that many legitimate-economical alternatives. Right now it appears that Modern is our only choice, with American Recovery a good possibility and DeRewal, A.B.M., County Septic and Ohio Liquid Disposal distant possibilities. In addition, of course, are the areas being investigated by H. E. Sullivan.

ATC:br  
 Attachments (2)

BSAI033358